

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7004**

**BILL NUMBER:** HB 1441

**NOTE PREPARED:** Jan 7, 2003

**BILL AMENDED:**

**SUBJECT:** Qualifications of candidates.

**FIRST AUTHOR:** Rep. Lutz

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill requires a declaration of intent to be a write-in candidate, a declaration of candidacy, and a petition of nomination to be signed by a candidate under the penalty for perjury. The bill requires a candidate to separately sign the statement that the candidate meets all the qualifications to be a candidate, including requirements relating to conviction of a felony.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Summary:* Under the bill, State Form CAN-2 would have to be revised to accommodate the changes listed above. The expenditures required could be absorbed within the Indiana Election Division's budget.

*Penalty:* Under the bill, a candidate signing a petition for nomination would be required to do so under penalty of perjury a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

In FY 2002, five individuals were committed to a Department of Correction institution for perjury.

**Explanation of State Revenues:** *Summary:* If additional court cases occur and fines are collected, revenue

to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** *Summary:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** *Summary:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association; Department of Correction; *Offender Population Statistical Report, June 2002.*

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